

A. G. Contract No. KR89-0563-TRD
ECS File: IGA-89-25
Project: RAM600-0-506-101-LMA
Section: 6B

INTERGOVERNMENTAL AGREEMENT

53461

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into August 18, 1989, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the City of Phoenix, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter Chapter 2 Section 2 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and City desire to improve the safety of the traveling public, and it is necessary that certain improvements be installed at the intersection of Behrend Drive at 23rd Avenue. Work shall consist of the installation of conduits, junction boxes and pole foundations.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

| | |
|-------------------------------|---|
| NO. | <u>14139</u> |
| FILED WITH SECRETARY OF STATE | |
| Date Filed | <u>8-18-89</u> |
| | <u>Jim Sheenway</u> Secretary of State |
| By | <u>B. J. Hermillion</u> |

II. SCOPE OF WORK:

1. State will:

a. Review the plans and specifications and furnish comments as appropriate.

b. Advertise for bids and award one or more contracts for the installation of conduits, junction boxes and pole foundations for the traffic signals on Behrend Drive at 23rd Avenue.

2. City will:

a. Prepare plans and specifications suitable for construction bidding and construction of the project.

b. Reimburse the State for 100% of the actual construction and engineering costs for the installation of conduits, junction boxes and pole foundations for the traffic signals. The estimated cost is \$14,000.

c. Be responsible for all contractor claims for additional compensation as a result of the project.

d. Be responsible for construction of all above ground construction and electrical hook-up of signal system

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements; provided, however, that this agreement may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

City of Phoenix
Engineering Department
125 East Washington Street
Phoenix, AZ 85004

7. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

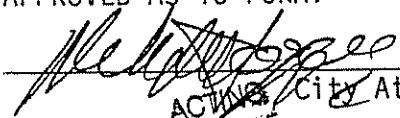
CITY OF PHOENIX, a municipal
corporation
MARVIN A. ANDREWS,
City Manager

By 
JAMES H. MATTESON, P.E.
Street Transportation
Director

ATTEST:

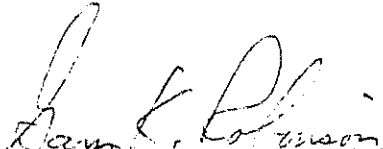

City Clerk

APPROVED AS TO FORM: 



ACTING City Attorney

STATE OF ARIZONA
Department of Transportation

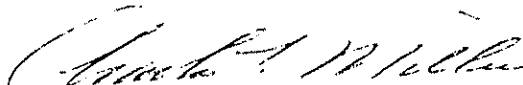
By 

GARY K. ROBINSON
Chief Deputy State Engineer

RESOLUTION

BE IT RESOLVED on this 27th day of February 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of improvements for traffic signals at the intersection of Behrend Drive and 23rd Avenue.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

(Passed by Council as a resolution)

RESOLUTION

ORDINANCE NO. 17530

7-25-89

A Resolution

~~AN ORDINANCE~~ AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH THE ARIZONA
DEPARTMENT OF TRANSPORTATION; PROVIDING FOR
THE PAYMENT THEREOF.

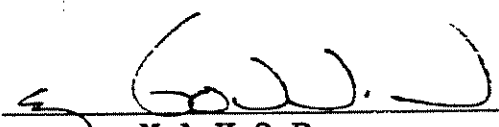
RESOLVED

BE IT ~~ORDAINED~~ BY THE COUNCIL OF THE CITY OF PHOENIX
as follows:

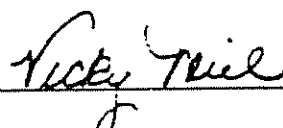
SECTION 1. That the City Manager be and is hereby
authorized to enter into an Agreement with the Arizona
Department of Transportation (ADOT) for purposes of defining
the rights and responsibilities associated with the design,
construction and maintenance of a traffic signal and
landscaping in the 23rd Avenue right of way from Utopia Road
to Rose Garden Lane.

SECTION 2. That the City Auditor be and is hereby
authorized to disburse funds as is necessary for the reason of
this agreement.

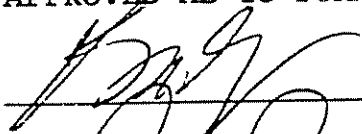
PASSED by the Council of the City of Phoenix
this 19 day of July, 1989.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:



ACTING
City Attorney

REVIEWED BY:



City Manager

BPM
BPM/p1/0671P
(07/17/89)

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ORD. NO. 17580

INTERGOVERNMENTAL AGREEMENT

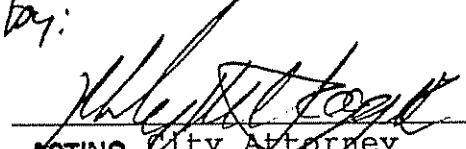
DETERMINATION

AGREEMENT NO. 53461, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those Parties to the Agreement represented by the City Attorney.

DATED this 22 day of June, 1989.

RODERICK G. MCDOUGALL
City Attorney

by:



ACTING City Attorney

2654n/5994e
05/31/89



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR89-0563TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 11 day of August, 1989.

ROBERT R. CORBIN
Attorney General


Assistant Attorney General
Transportation Division